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10/630,392	07/30/2003	Prasanna Amitabh	CHA920030017US1	9419
45095 7590 08/24/2010 HOFFMAN WARNICK LLC 75 STATE ST 14 FL ALBANY, NY 12207				
EXAMINER ROBINSON BOYCE, AKIBA K				
ART UNIT 3628		PAPER NUMBER		
NOTIFICATION DATE 08/24/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

### Office Action Summary

**Application No.**

10/630,392

**Applicant(s)**

AMITABH ET AL.

**Examiner**

AKIBA K. ROBINSON BOYCE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 6/18/10, the following is a non-final office action. Claims 1, 10 and 18 have been amended. Claims 1-26 are pending in this application and have been examined on the merits. Claims 1-26 are rejected as follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-16, 18-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie (US 2009/0063246 A), and further in view of Chaddha et al (US 20060293942 A1), and further in view of Mikurak (US 7,130,807).

As per claims 1,18, Lurie discloses:

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a user interface that provides distributed access for customers and support providers to case information within the CRM system, wherein the customers and the support providers are separate and distinct institutions; and wherein the user interface provides access to both customers and support providers to a customer case management page for viewing all cases opened for a given customer and a case summary page for viewing details of individual cases stored within the CRM system; wherein a customer case includes a request from the customer to the support provider for support, ([0039], The system 100 also includes one or more service providers 200 (200-A, . . . , 200-N) each having a communications device 202 (202-1, . . . , 202-N) that is connected to a communications network 110. Accordingly, one or more service seekers (users) 104 (104-1, . . . , 104-N) access the service provider system via either communications devices 104 (104-A, . . . , 104-N) that are connected to the communications network 110 or service seeker computers 120. In accordance with the teachings of the present invention, a user 102 can send a request 106 (106-A, . . . , 106-N) via the communications device 104 or service seeker computer 120, which is received by the service provider server computer 300, and [0043] shows as each communication occurs between service seekers and service providers, a transaction record is generated in the service seeker transaction database 350 in order to enable customer management procedures, as will be described in further detail below, to provide service providers with listings of each service seeker that has received an advice communication from the service provider. As such, service providers, or system administrators, may view their respective service seekers (customers) via listings

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provided by customer management procedures, also, see figs 3 and figs 4, [0038], The service provider system 100 includes one or more service **seeker** computers 120 (120-1, . . . , 120-N) connected through a network 400 (such as an Intranet, an Extranet, a LAN or a WAN such as the Internet) to a host computer or web server ("service provider server computer") 300., [0102]The online advice customer management method 800 begins at process block 830, wherein a service provider ID code is determined. Once the service provider ID is determined, a list of service seekers that have received advice communications regarding a field of service from the service provider are generated. In one embodiment, this listing is generated using customer management procedures 334 by selecting service seekers that have received advice communications from a service provider corresponding to the service provider ID code determined at process block 830. Finally, at process block 850, the listing of service seekers is displayed via a customer display screen, such as depicted in FIG. 3. Once displayed, the service seeker can perform relationship management of the listed service seekers in order to provide, for example repeat advice communication incentives, customer list management. Since The service provider system 100 includes one or more service seeker computers 120 (120-1, . . . , 120-N) connected through a network 400 (such as an Intranet, an Extranet, a LAN or a WAN such as the Internet) to a host computer or web server ("service provider server computer") 300, it is therefore obvious that the service seeker would also have access to the customer case management page and a case summary page for viewing details of individual cases stored within the CRM system as shown in

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Figs 3-5 since the customer or seeker has access via the system on which the provider system resides);

a case management system for managing customer cases, wherein the case management system includes a system for assigning cases to different tiers within a support provider hierarchy, ([0054] shows an online service provider selection procedures 324 for providing the service seeker 102 with an online interface for providing listing of fields of service available from the audio portal system 100, as well as receiving various descriptors for narrowing the search of service providers, including acceptable price ranges, acceptable quality ratings, specific languages, as well as a service provider ID of a specific service provider when known by the service seeker 102, and also in [0055] shows that a user computer is connected to a selected service provider for real-time communication, thereby showing that the provider is connected to (assigned) a service seeker (case) based different types of tiers, for example, price, quality, etc; and also [0026] and FIG. 15, depicts a flowchart illustrating a method for providing a service provider with a listing alert for one or more service seekers designated as potential repeat customers within the customer management screen in accordance with an exemplary embodiment of the present invention and further listing a service seeker alert for each determined service seeker within the customer management screen)

Lurie does not disclose a compliance tracking system that retrieves previously loaded customer compliance data from a database; wherein the compliance data consists of information related to whether a customer has met certain required pre-set goals set by the CRM system, compares the compliance data for each customer with predetermined levels to determine customer compliance provides a compliance indicator on the customer case management page that indicates whether a compliance issue exists, however Chaddha et al discloses a method and apparatus for technology resource management where it is shown that any type of application may be hosted across the different environments within a client group's environmental set including customer relationship management (CRM) applications as shown in [0051]. Chaddha et al also discloses a compliance sub-module 364 for comparing the monitored users or processors on each of the servers 116, 154 managed by the TRM with the corresponding licenses and leases to determine which are compliant and which are out of compliance as shown in [0074], and further discloses that wherein the asset manager further tags non-compliant assets with a warning indicia as shown in claim 5 of Chaddha et al. It therefore would be obvious to combine Lurie and Chaddha et al to disclose the above limitation.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose a compliance tracking system that retrieves previously loaded customer compliance data from a database; wherein the compliance data consists of information related to whether a customer has met certain required pre-set goals set by the CRM system, compares the compliance

data for each customer with predetermined levels to determine customer compliance and provides a compliance indicator on the customer case management page with the motivation of incorporating compliance tracking in a customer relationship management environment of Chaddha et al into the apparatus and method for online advice Customer Relationship Management of Lurie.

Neither Lurie nor Chaddha et al disclose determining whether an assigned tier can resolve the case, and escalating the case to a different tier in response to a determination that the assigned tier cannot resolve the case or providing a compliance indicator on the customer case management page that indicates whether a compliance issue exists and escalating the case to a different tier in response to an existence of a compliance issue, however, Mikurak in Col. 75, lines 29-36 and lines 50-54 shows that in an alarm step 4710, the Proactive Threshold Manager provides an indication or alarm to the service provider if the current level of service is within a predetermined range with respect to the minimum level of service. The threshold is preferably chosen such that the service provider is allowed enough time to cure the service level problem before the minimum service level is reached and the subscriber's service level agreement breached, and gives an example, when a hardware element fails, the related element software senses the failure and generates an event indicating the hardware failure and the general nature of the failure. The events are then routed to an element manager to be processed. Col. 77, line 55-col. 78, line 28 shows a three tiered structure for resolving network problems where in the first tier,



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customers are provided access to customer support that allows for 60%-70% of problems to be solved, otherwise customer is provided access to second and third tier. It therefore would be obvious to combine Lurie, Chaddha and Mikurak to disclose determining whether an assigned tier can resolve the case, and escalating the case to a different tier in response to a determination that the assigned tier cannot resolve the case since a repeat customer.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose determining whether an assigned tier can resolve the case, and escalating the case to a different tier in response to a determination that the assigned tier cannot resolve the case since a repeat customer with the motivation of ultimately getting the problem resolved.

As per claims 2, 19, Lurie discloses

wherein the case management system further includes a notification system for automatically generating emails when a new case is opened, ([0040], shows user is connected to selected service provider via communication device, and [0042], shows that the advice communication may be in the form of a live advice conversation, a recorded advice communication, as well as a written advice communication via, for example, electronic mail).

As per claims 3, 20, Lurie discloses

wherein the case management system further includes a system that allows support providers to check-in/check-out cases, ([0092], service provider is provided with a compose e-mail option 506, a block option 508 and assign to list option 510. In order to use the provided options, a service provider will select checkboxes, indicated at col. 522, by for example, mouse clicking on the various checkboxes corresponding to desired service seekers. Once selected, the service provider can click on an option. Once the option is selected by the service provider, the customer management procedures 334 will process the selected service providers according to the selected option).

As per claims 4, 5, 21, 22, neither Lurie nor Chaddha et al discloses wherein the case management system further includes a set of business rules that determines what level of case information is to be made available to customers and support providers/ wherein the case management system further includes a set of business rules that determines how cases are to be assigned and escalated among the different tiers of support providers, however, Mikurak, in col. 130, lines 46-52, shows content may be matched to particular users via configurable business rules. It therefore would be obvious to combine the teachings of Lurie, Chaddha et al and Mikurak to disclose the above limitations.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the case management system further includes a set of business rules that determines what level of case

information is to be made available to customers and support providers/ wherein the case management system further includes a set of business rules that determines how cases are to be assigned and escalated among the different tiers of support providers with the motivation of showing that a customer relationship management systems incorporates business rules to assist with the management process.

As per claims 6, 23, Lurie does not disclose wherein the compliance tracking system determines a compliance risk level for each customer, however, Chaddha et al discloses in [0080] that a determination is made as to which assets have SLM which do not conform to target values/ranges, i.e. which assets are non-compliant, and clients associated with the non-compliant assets are determined and a provisioning recommendation is generated for them in process 1610. A recommendation may include specifics as to asset, target SLM, actual SLM, as well as a recommendation for an asset and purchase price therefore to bring the non-compliant asset(s) into compliance, e.g. more storage space, wider bandwidth. It would have been obvious to combine Lurie with Chaddha et al to disclose the above limitations.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the compliance tracking system determines a compliance risk level for each customer with the motivation of showing that the extent of compliance can be determined in a customer relationship management system.

Neither Lurie nor Chaddha et al discloses business rules, however, Mikurak, in col. 130, lines 46-52, shows content may be matched to particular users via configurable business rules. It therefore would be obvious to combine the teachings of Lurie, Chaddha et al and Mikurak to disclose business rules.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose business rules with the motivation of showing that a customer relationship management systems incorporates business rules to assist with the management process.

As per claims 7, 24, Lurie does not disclose wherein the compliance risk level is selected from the group consisting of: in compliance, in danger of becoming out of compliance, and out of compliance, however, Chaddha et al discloses in [0080] that a determination is made as to which assets have SLM which do not conform to target values/ranges, i.e. which assets are non-compliant, and clients associated with the non-compliant assets are determined and a provisioning recommendation is generated for them in process 1610. A recommendation may include specifics as to asset, target SLM, actual SLM, as well as a recommendation for an asset and purchase price therefore to bring the non-compliant asset(s) into compliance, e.g. more storage space, wider bandwidth. It would have been obvious to combine Lurie with Chaddha et al to disclose the above limitations.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the compliance risk level is selected

from the group consisting of: in compliance, in danger of becoming out of compliance, and out of compliance with the motivation of showing that the extent of compliance can be determined in a customer relationship management system.

Neither Lurie nor Chaddha et al discloses business rules, however, Mikurak, in col. 130, lines 46-52, shows content may be matched to particular users via configurable business rules. It therefore would be obvious to combine the teachings of Lurie, Chaddha et al and Mikurak to disclose business rules.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose business rules with the motivation of showing that a customer relationship management systems incorporates business rules to assist with the management process.

As per claims 9, 26, Lurie does not disclose wherein the compliance tracking system includes a system for creating a new customer case when a predetermined compliance risk level occurs however, Chaddha et al discloses in the abstract that the asset manager: determines demand for new assets and allocates available assets to meet the demand; determines assets not in compliance with existing software licenses; determines which host servers have actual service level metrics which are not compliant with the target service level metrics; and determines availability of a patch or upgrade for selected software and instances of the selected software among the assets. It would have been obvious to combine Lurie and Chaddha et al to disclose the above limitation.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the compliance tracking system includes a system for creating a new customer case when a predetermined compliance risk level occurs with the motivation of showing that a customer relationship management system has the ability to attempt to keep the system within compliance parameter.

As per claim 10, this claim meets all claim limitations as discussed above with respect to claim 1, and in addition; neither Lurie nor Chaddha et al disclose assigning the new case to a first tier support provider; determining if the first tier support provider can handle the new case; and escalating the new case to a second tier support provider if the first tier support provider cannot handle the case or if a compliance issue exists, however, Mikurak, in col. 34, lines 36-59, shows Each tier, or level, possesses an increasing level of skill, with tasks and responsibilities distributed accordingly. Such a structure is as follows: Tier 1-- typically has a broad set of technical skills and is the first level of support to the customer. Typically this group is responsible for resolving 60 70 percent of the opened problems. Tier 2--are technical experts and field support personnel who may specialize in specific areas. Typically this group is responsible for resolving 30 40 percent of the opened problems. Tier 3--are considered solution experts and often consist of hardware vendors, software vendors or custom application development/maintenance teams (in-depth skills needed to investigate and resolve difficult problems within their area of expertise). They are the last resort for solving the most difficult problems. Typically this group is responsible for

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resolving 5 percent or fewer of the opened problems. It therefore would be obvious to combine Lurie, Chaddha et al and Mikurak to disclose the above limitations.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose assigning the new case to a first tier support provider; determining if the first tier support provider can handle the new case; and escalating the new case to a second tier support provider if the first tier support provider cannot handle the case with the motivation of showing distributed responsibilities amongst service providers.

As per claim 11, Lurie discloses:

wherein the network node comprises a web portal, ([0038], inherent with web server, and also shows in [0046] and audio portal connected by way of communications network, which is shown to be the web).

As per claim 12, Lurie does not disclose wherein the compliance indicator determines if the customer is in compliance, at risk of becoming out of compliance, or out of compliance, however, Chaddha et al discloses in [0080] that a determination is made as to which assets have SLM which do not conform to target values/ranges, i.e. which assets are non-compliant, and clients associated with the non-compliant assets are determined and a provisioning recommendation is generated for them in process 1610. A recommendation may

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include specifics as to asset, target SLM, actual SLM, as well as a recommendation for an asset and purchase price therefore to bring the non-compliant asset(s) into compliance, e.g. more storage space, wider bandwidth. It would have been obvious to combine Lurie with Chaddha et al to disclose the above limitations.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the compliance indicator determines if the customer is in compliance, at risk of becoming out of compliance, or out of compliance with the motivation of showing that the extent of compliance can be determined in a customer relationship management system.

As per claim 13, Lurie discloses generating emails in [0040], shows user is connected to selected service provider via communication device, and [0042], shows that the advice communication may be in the form of a live advice conversation, a recorded advice communication, as well as a written advice communication via, for example, electronic mail).

Neither Lurie nor Chaddha et al disclose a set of business rules, however, Mikurak, in col. 130, lines 46-52, shows content may be matched to particular users via configurable business rules. It therefore would be obvious to combine the teachings of Lurie, Chaddha et al and Mikurak to disclose business rules.



It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose business rules with the motivation of showing that a customer relationship management systems incorporates business rules to assist with the management process.

As per claim 14, Lurie discloses:

comprising the further step of having an assigned support provider check out the case from the CRM system, ([0054] shows an online service provider selection procedures 324 for providing the service seeker 102 with an online interface for providing listing of fields of service available from the audio portal system 100, as well as receiving various descriptors for narrowing the search of service providers, including acceptable price ranges, acceptable quality ratings, specific languages, as well as a service provider ID of a specific service provider when known by the service seeker 102, and also in [0055] shows that a user computer is connected to a selected service provider for real-time communication, thereby suggesting that the provider is connected to (assigned) a service seeker (case) based different types of tiers, for example, price, quality, etc; and also [0026] and FIG. 15, depicts a flowchart illustrating a method for providing a service provider with a listing alert for one or more service seekers designated as potential repeat customers within the customer management screen in accordance with an exemplary embodiment of the present invention).

As per claim 15, Lurie discloses:

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wherein the step of opening a new case is performed by the customer at the network node, (Fig 1).

As per claim 16, Lurie does not disclose wherein the step of opening a new case is initiated automatically when the customer is out of compliance, however, Chaddha et al discloses in the abstract that the asset manager: determines demand for new assets and allocates available assets to meet the demand; determines assets not in compliance with existing software licenses; determines which host servers have actual service level metrics which are not compliant with the target service level metrics; and determines availability of a patch or upgrade for selected software and instances of the selected software among the assets. It would have been obvious to combine Lurie and Chaddha et al to disclose the above limitation.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the step of opening a new case is initiated automatically when the customer is out of compliance with the motivation of showing that a customer relationship management system has the ability to attempt to keep the system within compliance parameter.

4. Claims 8, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie (US 2009/0063246 A), and further in view of Chaddha et al (US 20060293942 A1), and further in view of Mikurak (US 7,130,807), and further in view of Sultan (US 2009/0089125 A1).

As per claim 8, 17 and 25, neither Lurie nor Chaddha et al nor Mikurak disclose wherein the compliance indicator comprises a traffic light indicator having a green, yellow and red light. However, Sultan discloses a multi-user, multi-organization web-based system for processing customs information where [0103] shows that a customs department primary goal is to find imports that are non-compliant. In order to ensure compliance, the declaration and accompanying documentation are reviewed in step S802. The RMS Module scans through the declarations submitted for any risk, and determines the status of the declaration (e.g., RED, YELLOW or GREEN channel) in steps S804 and S806. It therefore would be obvious to combine the teachings of Lurie nor Chaddha et al, Mikurak and Sultan to disclose wherein the compliance indicator comprises a traffic light indicator having a green, yellow and red light.

It would have been obvious to one of ordinary skill in the art to disclose wherein the compliance indicator comprises a traffic light indicator having a green, yellow and red light with the motivation of showing a visual indication of compliance.

### ***Response to Arguments***

5. Applicant's arguments filed 6/18/10 have been fully considered but they are not persuasive.

Applicant amends claims to recite access by both customers and providers to customer case management. However, since The service provider

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system 100 includes one or more service seeker computers 120 (120-1, . . . , 120-N) connected through a network 400 (such as an Intranet, an Extranet, a LAN or a WAN such as the Internet) to a host computer or web server ("service provider server computer") 300, it is therefore obvious that the service seeker would also have access to the customer case management page and a case summary page for viewing details of individual cases stored within the CRM system as shown in Figs 3-5 since the customer or seeker has access via the system on which the provider system resides.

Applicant also amends claims to recite determining whether an assigned tier can resolve the case, and escalating the case to a different tier in response to a determination that the assigned tier cannot resolve the case and providing a compliance indicator on the customer case management page that indicates whether a compliance issue exists, and escalates the case to a different tier in response to an existence of a compliance issue. However, as now disclosed above in the rejection, Mikurak in Col. 75, lines 29-36 and lines 50-54 shows that an alarm step 4710, the Proactive Threshold Manager provides an indication or alarm to the service provider if the current level of service is within a predetermined range with respect to the minimum level of service. The threshold is preferably chosen such that the service provider is allowed enough time to cure the service level problem before the minimum service level is reached and the subscriber's service level agreement breached, and gives an example, when a hardware element fails, the related element software senses the failure and generates an event indicating the hardware failure and the general nature of the

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failure. The events are then routed to an element manger to processed. Col. 77, line 55-col. 78, line 28 shows a three tiered structure for resolving network problems where in the first tier, customers are provided access to customer support that allows for 60%-70% of problems to be solved, otherwise customer is provided access to second and third tier. It therefore would be obvious to combine Lurie, Chaddha and Mikurak to disclose determining whether an assigned tier can resolve the case, and escalating the case to a different tier in response to a determination that the assigned tier cannot resolve the case since a repeat customer.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
August 18, 2010

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628